IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 76 OF 2005
IN
NOTICE OF MOTION NO. 3611 OF 2005
IN
SUIT NO. 3129 OF 2005

Ravi Kamal Bali.] .. Appellant (Ori.Plaintiff)

Versus

1. M/s. Kala Tech & 2 Ors.] .. Respondents (Ori.Defendants)

Mr. Shyam A. Divan, senior counsel with Mr. Kiran Desai i/b M/s. Shantilal & Co. for the appellant.

Mr. Virag Tulzapurkar with Mr. V.V. Vashi and Mr. Vipul Shukla for respondents No.1 and 2.

Mr. C.R. Bhogaokar, IInd Asstt. to Court Receiver present.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 14tH FEBRUARY, 2006

P.C. :

. After having heard the learned senior counsel and the counsel for the parties, we are satisfied that diverse contentions raised in the Appeal need to be gone into by us and prayer for grant of ad-interim order should be made by the appellant-plaintiff before the learned Motion Judge. Considering the fact that the

defendants had earlier filed two Caveats to oppose the prayer for grant of ad-interim/interim reliefs that may be made by the plaintiffs, we are of the view that there was no justification in passing the order on 2nd December 2005, without notice to the defendants and therefore, vacation of ad-interim order by the impugned order cannot be faulted. However, that does not debar the plaintiff in pressing for the ad-interim relief after notice to the defendants.

2. We, therefore, grant liberty to the plaintiff to apply to the learned Motion Judge for ad-interim relief after giving prior notice to the defendants. That they may do today at 3.00 p.m. or tomorrow at 11.00 a.m. as may be convenient to the learned Motion Judge.

3. With the aforesaid observations, the Appeal is disposed of.

Sd/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]

[srpasha@hc]